

COUNTY OF SAN LUIS OBISPO



REAL PROPERTY DIVISION ORDINANCE

TITLE 21 OF THE SAN LUIS OBISPO COUNTY CODE

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

COUNTY OF SAN LUIS OBISPO

**REAL PROPERTY DIVISION
ORDINANCE**

TITLE 21 OF THE SAN LUIS OBISPO COUNTY CODE

ADOPTED BY
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
December 19, 1979 – Ordinance No. 1986

Revised February 2016

COUNTY OF SAN LUIS OBISPO

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COUNTY OF SAN LUIS OBISPO

REAL PROPERTY DIVISION ORDINANCE

Adopted December 19, 1979, Ordinance No. 1986

Amended

September 10, 1981	Ordinance No. 2070
March 1, 1988	Ordinance No. 2343
October 27, 1992	Ordinance No. 2581
March 25, 1993	Ordinance No. 2602
October 14, 1993	Ordinance No. 2636
August 21, 2001	Ordinance No. 2943
June 3, 2003	Ordinance No. 3000
April 25, 2006	Ordinance No. 3086
January 27, 2009	Ordinance No. 3173
April 3, 2012	Ordinance No. 3223
March 24, 2015	Ordinance No. 3288
January 26, 2016	Ordinance No. 3314

CHAPTER 1: ENACTMENT, ADMINISTRATION, AND DEFINITIONS

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21.01.010 – Title—Purpose

- a. This title shall be known as the “Real Property Division Ordinance of the County of San Luis Obispo” and be cited as such. Compliance with this title does not constitute compliance with or obviate the necessity for compliance with any other applicable law or ordinance.
- b. The purpose of this title is to adopt subdivision regulations pursuant to the Subdivision Map Act, and any future amendments thereto.
- c. It is further the purpose of this title to regulate divisions of land to promote the orderly development of real property; to protect purchasers and surrounding landowners; to prevent circumvention of existing real property division, zoning, and building ordinances and regulations; and to insure adequate services. [Adopted 1979, Ord. 1986 §2 (part)]
- d. It is further the purpose of this title to implement the county general plan and certified local coastal program. Approval of a lot line adjustment, tentative parcel map, tentative tract map, vesting tentative map, reversion to acreage, determination that public policy does not necessitate the filing of a parcel map, modification of a recorded parcel or tract map, or conditional certificate of compliance under Government Code section 66499.35(b) shall constitute approval of a coastal development permit as a local government equivalent in accordance with the certified local coastal program and the California Coastal Act of 1976. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

21.01.020 – Definitions

In addition to those set forth in the Subdivision Map Act and Title 22 and Title 23 of this code, the following definitions shall be used in interpreting this title:

- a. “**Advisory agency**” means the planning commission or the subdivision review board.
- b. “**Board of supervisors**” means the Board of Supervisors of the County of San Luis Obispo, which is the official body charged with hearing and making determinations with respect to appeals of decisions of the subdivision review board or the planning commission as described in Section 21.04.020 of this title.

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- c. **“Building site”** means a designated area within an existing or proposed lot where structures may be located. [Amended 1993, Ord. 2602]
- d. **“Day”** means calendar day unless otherwise indicated.
- e. **“Design”** means: (1) street alignments, grade and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation, of this title, the general plan or any applicable specific plan.
- f. **“Director of public works”** means the Director of Public Works and Transportation of the County of San Luis Obispo. [Added 2001, Ord. 2943]
- g. **“Divider” or “subdivider”** means a person, firm, corporation, partnership or association (and, in those situations described in Section 21.02.010(a)(9), a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility, or subsidiary) who proposes to divide, divides or causes to be divided real property into a division or subdivision for himself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not “dividers” or “subdividers.”
- h. **“Division,” “land division,” “subdivision,” “division of land” or “divided”** survey or in any other way including court decrees, gifts or intestate or testamentary disposition. “Division” or “subdivision” includes a condominium project as defined in Civil Code section 1350, a community apartment project as defined in Business and Professions Code section 11004, or the conversion of five or more existing dwelling units to a stock cooperative as defined in Business and Professions Code section 11003.2.
- i. **“Improvement”** refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the tract or parcel map thereof. “Improvement” also refers to any other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the county, or by a combination thereof, is necessary to ensure consistency with, or implementation of, this title, the general plan or any applicable specific plan.
- j. **“Original parcel”** means a contiguous area of land in one ownership or a common ownership at the time of division, any portion or all of which is proposed to be divided under this title.

- k. **“Original permit jurisdiction”** means areas where the coastal commission retains development review authority (i.e., permit jurisdiction) for development on tidelands, submerged lands, public trust lands, or within any state university or college within the coastal zone in accordance with the provisions of Public Resources Code section 30519. [Amended 1992, Ord. 2582]
- l. **“Parcel map”** refers to the map required to be filed with the county recorder pursuant to this title for all divisions defined in Section 21.02.010(b) and (d) of this title.
- m. **“Planning commission”** means the Planning Commission of the County of San Luis Obispo, which is the advisory agency authorized to approve, conditionally approve, or disapprove tentative tract maps.
- n. **“Planning department”** means the Department of Planning and Building of the County of San Luis Obispo.
- o. **“Planning director”** means the Director of Planning and Building of the County of San Luis Obispo.
- p. **“Proposed parcel or parcels”** means each separate parcel to be created by a parcel or tract map, as proposed by the applicant.
- q. **“Review Authority”** refers to the individual or group identified by Title 22 or Title 23 of this code as having the authority to take action to approve, approve subject to conditions, or disapprove a land use permit application pursuant to Title 22 or Title 23 (i.e., either the planning director, subdivision review board, planning commission, or board of supervisors).
- r. **“Standard improvement specifications and drawings”** are those standards adopted by the board of supervisors on November 17, 1975, and as amended, from time to time, which are incorporated by reference in this title as though set forth in full.
- s. **“Subdivision development”** within the coastal zone of the county is defined in Section 21.08.020 of this title. [Added 1992, Ord. 2582]
- t. **“Subdivision Map Act”** means Division 2, Chapter 1 of Title 7 of the Government Code, commencing with section 66410 as present constituted and amended from time to time.
- u. **“Subdivision review board”** means the committee composed of representatives of the county departments and air pollution control district set forth in Section 21.02.080 of this title. The subdivision review board is the advisory agency authorized to approve, conditionally approve, or disapprove tentative parcel maps, lot line adjustments as defined in Section 21.02.030, conditional certificates of compliance as defined in Section 21.02.020, and notices of violation as defined in Section 21.07.020. [Amended 1993, Ord. 2602]
- v. **“Tentative map”** refers to a map made for the purpose of showing the design and improvement of a proposed subdivision (a parcel map or a tract map) and the existing

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conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

- w. **“Tract map”** refers to the map required to be filed with the county recorder for any division defined in Section 21.02.010(c) of this title. The term “tract map”, as used herein, is intended to be the same as “final map,” as that term is used in the Subdivision Map Act. [Adopted 1979, Ord. 1986 §2 (part)]
- x. **“Vesting tentative map”** refers to a map which meets the requirements for a tentative map and the other requirements that are set forth in this title and the Subdivision Map Act. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”
- y. **“Zoning” and “zoned”** means land use designation and designated as used in Title 22 or Title 23 of this code.

[Amended 1992, Ord. 2581; Amended 2001, Ord. 2943]

CHAPTER 2: APPLICATIONS – CONTENT, PROCESSING AND TIME LIMITS

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21.02.010 – When parcel or tract map required

- a. Every division of land, improved or unimproved, shall be preceded by the filing of a parcel or tract map pursuant to this title except the following divisions:
 1. The financing or leasing of apartments, offices, stores or similar spaces within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;
 2. Mineral, oil or gas leases;
 3. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
 4. A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater

number of parcels than originally existed is not thereby created, processed in compliance with Section 21.02.030;

5. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the financing or leasing is not subject to review under other local agency ordinances regulating design and improvements;
 6. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
 7. Leases of agricultural land solely for agricultural purposes. As used in this section, "agricultural purposes" means, and is limited to, the cultivation of food or fiber or the grazing or pasturing of livestock;
 8. Short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code;
 9. Land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless the planning director determines on the basis of substantial evidence that public policy necessitates a parcel map. Such determination shall be confirmed at the next regular subdivision review board meeting no sooner than ten days following the filing by the divider of sufficient information regarding the division to enable the planning director to make his determination. In the event the applicant is dissatisfied with the action taken by the planning director, he may appeal to the board of supervisors within ten days of the determination which is being appealed. Proof of conveyance shall be submitted to the planning director. Approvals granted pursuant to this subsection shall be null and void two years from the date of approval.
 10. Within the Coastal Zone, land divisions in connection with purchase of such land by a public agency for public recreation use. [Added 1988, Ord. 2343]
- b.** Except as provided in subsection (a) or (c) of this section, each of the following divisions of land, regardless of the number of parcels created, shall be preceded by the filing of a tentative and parcel map pursuant to this title:
1. Where the land before division contains less than five acres, each proposed parcel abuts upon a maintained public street or highway, and no dedications or improvements are required by the subdivision review board.
 2. Where each proposed parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway. For purposes of this subsection, "approved access" shall mean access for which improvements exist or are proposed as a condition of approval of the parcel map in accordance with Section 21.05.020.

3. Where the land consists of a parcel or parcels of land, having approved access to a public street or highway, which comprises part of a tract of land designated (zoned) for industrial or commercial development, and which has the approval of the subdivision review board as to street alignments and widths.
 4. Where each proposed parcel has a gross area of forty acres or more, or each of which is a quarter-quarter section or larger.
- c. Except as provided in subsections (a) and (b) of this section, any division resulting in five or more parcels shall be preceded by filing a tentative and tract map pursuant to this title.
 - d. All divisions of land not otherwise specifically exempted from parcel map requirements by this title and for which a tentative and final map is not required by this title shall be preceded by the filing of a tentative and parcel map pursuant to this title.
 - e. The requirements for a parcel map may be waived by the subdivision review board, provided the subdivision review board finds that the proposed division of land complies with the requirements of the Subdivision Map Act, or county ordinances enacted pursuant thereto, as to area, improvement and design, flood-water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, general plan consistency, land use designation (zoning) and other requirements of the Subdivision Map Act, or county ordinances enacted pursuant thereto.
 - f. The procedures and requirements for waiver applications shall be the same as those set forth for the processing of tentative parcel maps for four or fewer parcels. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2581]

21.02.020 – Certificates of compliance and conditional certificates of compliance

Certificates of compliance and conditional certificates of compliance are issued under the provisions of Government Code section 66499.35. A certificate of compliance application is filed to request the county to determine as a matter of record whether the real property which is the subject of the application is a legally created parcel which complies with the provisions of the Subdivision Map Act and this title. If the county determines that the parcel of real property is not legally created in compliance with the provisions of the Subdivision Map Act and this title, it shall issue a certificate of Government Code section 66499.35(b). If the applicant is the original subdivider of the subdivision which was not in compliance with the law, conditions may be imposed which would be applicable to a current division of the property. If the applicant is a subsequent purchaser from the subdivider of the subdivision which was not in compliance with the law, conditions may be imposed which would have been applicable at the time the applicant acquired his or her interest in the property. When a certificate of compliance or a conditional certificate of compliance is requested, application preparation and processing shall include the following:

- a. **Application.** Certificate of compliance and conditional certificate of compliance applications shall include four copies of a completed application form as required by the planning department in addition to the information listed in subsection (b) below.
- b. **Content.** Except as otherwise provided, certificate of compliance and conditional certificate of compliance applications shall include all of the following:
 - 1. **Chain of title.** Provide legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration from that time to the present, unless the parcels were created through a recorded tract map, parcel map, or official map or unless waived by the planning director. A typed copy of all handwritten deeds shall be prepared by the applicant along with all copies of handwritten deeds and copies of earlier deeds in the chain of title or deeds describing adjacent property shall be submitted by the applicant if requested by the planning director. [Amended 1993, Ord. 2602]
 - 2. **Preliminary title report.** Two copies of a preliminary title report concerning the property, showing current property owners, and which is not more than six months old.
 - 3. **Other information.** Any maps or other supporting documents to support and clarify when and how the parcel in question was created.
 - 4. **Coastal zone.** For conditional certificates of compliance within the coastal zone, include two copies of a list of names and addresses of all residents and property owners within one hundred feet of the exterior boundaries of property. The names and addresses shall be typed on gummed labels, and submitted to the planning department. [Added 1992, Ord. 2582]
- c. **Review and approval.** The planning director is delegated the authority to approve and issue certificates of compliance. The subdivision review board is delegated the authority to approve and issue conditional certificates of compliance. The decision of the planning director or subdivision review board shall be final unless appealed to the board of supervisors pursuant to Section 21.04.020 of this title. [Amended 1993, Ord. 2602]
 - 1. **Staff report.** The planning department shall prepare a staff report for each application that includes the following:
 - (i) A description of the history of the creation of the parcel;
 - (ii) A reference to applicable state law and county ordinances and regulations; and
 - (iii) In the case of a conditional certificate of compliance, recommend appropriate conditions to be imposed.
 - 2. **Notice and hearing.** Except for notice to the applicant prior to action by the planning director, notice of hearing is not required to be given for certificates of compliance under Government Code section 66499.35(a) because the issuance

of such certificates of compliance is ministerial. The planning director shall schedule applications for conditional certificates of compliance under Government Code section 66499.35(b) on the public hearing portion of the subdivision review board agenda. Notice of hearing shall be given pursuant to Section 21.04.010 for all conditional certificates of compliance under Government Code section 66499.35(b); provided, however, for conditional certificates of compliance for properties located within the coastal zone, notice and hearing requirements shall be as set forth in Sections 21.04.010 and 21.08.020 of this title. [Added 1992, Ord. 2582; Amended 1993, Ord. 2602]

3. **Approvals within the coastal zone.** For conditional certificates of compliance applications located within the coastal zone that are appealable to the coastal commission, approval shall not be final until either all appeal periods have expired and no appeal has been filed, or the coastal commission has approved the application. [Added 1992, Ord. 2582]
- d. **Recordation.** After a decision to issue a certificate of compliance or conditional certificate of compliance becomes final, such certificate or conditional certificate shall be recorded in the office of the county recorder upon payment by the applicant of the required recording fee. [Added 1992, Ord. 2581]

21.02.030 – Lot line adjustments

- a. **General.** Lot line adjustments between four and fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed is not thereby created, shall be processed pursuant to this section.
- b. **Application contents.** Lot line adjustment applications consisting of the following shall be submitted to the planning department:
 1. **Form.** A completed application form as required by the planning department.
 2. **Preliminary title report.** Two copies of a preliminary title report concerning the property, not more than six months old, with an updated title report required at the time recordation of the certificates of compliance.
 3. **Lot line adjustment map.** Fifteen copies of a lot line adjustment map accurately drawn to scale. Measurements shall be identified by feet, square feet or acres to the nearest tenth. One copy of a reduction of the map on material measuring eight and one-half inches by eleven inches shall also be submitted. The map shall meet the following criteria:
 - (i) **Size and scale.** The size and scale of the prints shall be the same as those for tentative maps set forth in Section 21.02.044.
 - (ii) **Record data.** All exterior and interior lines shall be shown on the map and shall be identified by course and bearing description, based on survey data, calculated data, or information of record. If a survey is done,

any monuments established must be shown on a record of survey filed in accordance with the Land Surveyors Act, Business and Professions Code section 8700, et seq.

- (iii) **Lot lines.** Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from and subordinate to remaining and new lines.
 - (iv) **Lot areas.** The area of all existing and proposed parcels shall be identified and listed in acres or square feet.
 - (v) **Existing structures.** All existing structures, wells, septic tanks, driveways, and other improvements located on the original parcels shall be accurately located, identified, and drawn to scale. The distance between structures, the distances from existing structures to the boundary lines of the existing and the proposed parcels, and the height of each structure shall be shown. Such distances shall be established by a registered civil engineer's or licensed land surveyor's survey when deemed necessary by the planning department.
 - (vi) **Streets.** The locations, names, county road numbers, and widths of all adjoining and contiguous highways, streets and ways.
 - (vii) **Easements.** The locations, purpose, and width of all existing and proposed easements, streets (with proposed names) and appurtenant utilities.
 - (viii) **Drainage.** The approximate location of all watercourses, drainage channels, and existing drainage structures.
 - (ix) **Landforms.** The approximate location of other topographic or man-made features, such as bluff tops and ponds.
 - (x) **Lakes and oceans.** Approximate high water lines in lakes or reservoirs, and the mean high tide line of the ocean.
 - (xi) **Flood hazard.** The location of all areas subject to inundation or stormwater overflow.
 - (xii) **Property description.** A description of the property as well as the assessor's parcel number(s) for the property.
 - (xiii) **Map information.** A north arrow and scale and a vicinity map.
4. **Verification of parcel legality.** The application shall include copies of recorded certificates of compliance or other information to confirm that the parcels to be adjusted are existing legal parcels. [Added 2001, Ord. 2943]

5. **Statement of explanation.** The application shall contain any additional information necessary to explain the request. A statement shall be prepared and submitted by the applicant showing how the proposed lot line adjustment satisfies the criteria that are required by this section. [Amended 1993, Ord. 2602]
 6. **Other information.** Any additional information required by the list(s) maintained by the planning department, prepared under Government Code section 65940, which specify in detail information required to be submitted prior to the determination by the planning department that an application is complete.
 7. **Coastal zone.** For lot line adjustments within the coastal zone, include two copies of a list of names and addresses of all residents and property owners within one hundred feet of the exterior boundaries of the parcels to be adjusted. The names and addresses shall be typed on gummed labels, and submitted to the planning department. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]
- c. **Criteria to be considered.** Lot line adjustments are limited to 4 or fewer parcels. A lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot line adjustment will conform to the County's General Plan, Specific Plan, Local Coastal Program, and zoning and building ordinances. The criteria to be considered includes, but is not limited to, standards relating to parcel design and minimum lot area. These criteria may be considered satisfied if the resulting parcels maintain a position with respect to said criteria which is equal to or better than such position prior to approval or conditional approval of the lot line adjustment. [Amended 1993, Ord. 2602]
- d. **Action on lot line adjustments.** The county shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the General Plan, Local Coastal Program, and zoning and building ordinances. The authority to approve, conditionally approve, or disapprove lot line adjustment applications is delegated as follows:
1. **Action by subdivision review board.** Except as provided in subsection (d)(2) below, the subdivision review board is delegated the authority to approve, conditionally approve, or disapprove lot line adjustment applications. Notice of hearing shall be given pursuant to Section 21.04.010. Provided, however, for lot line adjustments within the coastal zone, notice and hearing requirements shall be as set forth in Sections 21.04.010 and 21.08.020 of this title. The subdivision review board shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the provisions of Title 19 and Title 22 or Title 23 of this code, or except to facilitate the relocation of existing utilities, infrastructure, or easements. The decision of the subdivision review board shall be final unless appealed to the board of supervisors pursuant to Section 21.04.020 of this title. [Amended 1988, Ord. 2343; Amended 1992, Ord. 2582; Amended 2001, Ord. 2943]
 2. **Action by planning director.** The planning director (or designated staff member) is delegated the authority to approve, conditionally approve, or disapprove lot line adjustment applications which are not located within the coastal zone of the county, are exempt from the provisions of the California

Environmental Quality Act, and are not being processed in conjunction with any land use permit application. Provided, however, at the request of the applicant or in the discretion of the planning director, any lot line adjustment application may be referred to the subdivision review board for review and decision pursuant to subsection (d)(1) above. Notice of hearing shall be given pursuant to Section 21.04.010. The planning director shall not impose conditions or exactions on the approval of a lot line adjustment except to conform to the provisions of Title 19 and Title 22 of this code, or except to facilitate the relocation of existing utilities, infrastructure, or easements. The decision of the planning director shall be final unless appealed to the board of supervisors pursuant to Section 21.04.020 of this title. [Added 2001, Ord. 2943]

- e. **Final processing.** The lot line adjustment shall be reflected in a deed which shall be recorded when all conditions of approval have been satisfied. Any applicable deeds of trust shall be revised in a recorded document or documents to conform to the new configuration of the resulting parcels. The lot line adjustment shall be completed and finalized by the filing of a certificate of compliance for each of the resulting parcels. Provided, however, at the discretion of the applicant, the lot line adjustment may be completed and finalized by the filing of a parcel map pursuant to this title and the Subdivision Map Act. Any such parcel map may be based on compiled record data when sufficient information exists on filed maps to locate and retrace the exterior boundary lines on the parcel map. The determination as to whether sufficient information exists shall be made by the county surveyor.
- f. **Expiration.** An approved or conditionally approved lot line adjustment shall expire unless completed and finalized within two years after its approval or conditional approval. The expiration of an approved or conditionally approved lot line adjustment shall terminate all proceedings and now certificate of compliance recognizing the lot lines described in said lot line adjustment shall be recorded without first processing a new lot line adjustment application. Upon application by the applicant, filed prior to the expiration of the approved or conditionally approved lot line adjustment, the time at which the lot line adjustment expires may be extended by the subdivision review board for a period or periods not exceeding a total of one year. [Adopted 1979, Ord. 1986 §2 (part)]
- g. **Approvals within the coastal zone.** For lot line adjustment applications located within the coastal zone that are appealable to the coastal commission, approval shall not be final until either all appeal periods have expired and no appeal has been filed, or the coastal commission has approved the applications. [Added 1988, Ord. 2343; Amended 1992, Ords. 2581, 2582; Amended 2001, Ord. 2943]

21.02.040 – Submission of a tentative map for divisions requiring either a parcel or tract map

A tentative map shall be accurately drawn to scale showing the property to be divided and shall be submitted to the county planning department. The planning department may require that the tentative map be drawn by a registered civil engineer or licensed land surveyor. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2581]

21.02.042 – Examination of a tentative map – Acceptance as complete for processing and effective date of filing

- a. A representative of the planning department, designated by the planning director, shall examine any such map upon presentation, and the planning department shall not accept such map as complete for processing pursuant to this title unless it is in full compliance with the law and this title as to form, the date, information, and other matters required to be shown thereon or furnished therewith.
- b. A tentative map shall not be considered filed with the planning department for purposes of commencing the time periods provided for in Government Code sections 66452 through 66452.7, inclusive, until California Environmental Quality Act requirements, and county procedures implementing that Act, have been completed and the planning commission or subdivision review board, as the advisory agency, has determined that the project is exempt from the requirements of the California Environmental Quality Act, has adopted a negative declaration for the project, or has certified a final environmental impact report for the project in accordance with the provisions of the California Environmental Quality Act.
- c. This section shall not preclude the processing of an application to the planning commission or subdivision review board prior to completion of an environmental document required under the provisions of the California Environmental Quality Act, providing that process is initiated by the planning director based on noncompliance with county ordinances and regulations or to satisfy procedural requirements of state law or county ordinances and regulations. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2581]

21.02.044 – Tentative map – Number of prints, size, and scale

Fifteen prints of the tentative map shall be submitted by the applicant to the planning department. The size of each sheet shall be a minimum of 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale shall be large enough to show all details clearly. One copy of a reduction of the tentative map on material measuring eight and one-half inches by eleven inches, shall also be submitted. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2581]

21.02.046 – Contents of tentative parcel and tract maps

- a. The tentative parcel map and tentative tract map shall contain the following information:
 - 1. **Record data.** The boundary lines of the original parcel, with dimensions shown in feet, based on survey data or information of record, and area of the property shown in square feet or acres to the nearest tenth.
 - 2. **Property description.** A description of the property as well as the assessor's parcel number(s) for the property.

3. **Legend and owner information.** A north arrow and scale, the name and address of the record owner(s), and the name and address of the subdivider.
4. **Vicinity map.** A vicinity map on which shall be shown the general area including adjacent property, subdivisions, and roads.
5. **Existing structures.** All existing structures, wells, septic tanks, driveways, and other improvements located on the original parcel shall be accurately located, identified, and drawn to scale. The distance between structures, the distance from existing structures to the boundary lines of the new parcel on which the structures are to be located, and the height of each structure shall be shown. Such distances shall be established by a registered civil engineer's or licensed land surveyor's survey when deemed necessary by the planning department.
6. **Contour lines.** Contour lines of the property shall be shown at intervals set forth below:

40 acres or larger	40' intervals,
20 to 40 acres	20' intervals,
10 to 20 acres	10' intervals,
Smaller than 10 acres,	
0-12 percent slope	2' intervals,
More than 12-percent slope	5' intervals.
7. **Drainage.** The approximate location of all watercourses, drainage channels, and existing drainage structures. [Amended 1992, Ord. 2582]
8. **Landforms.** The approximate location of other topographic or man-made features, such as bluff tops and ponds. [Amended 1992, Ord. 2582]
9. **Lakes and ocean.** Approximate high-water lines in lakes or reservoirs, and the mean high tide line of the ocean. [Amended 1992, Ord. 2582]
10. **Flood hazard.** The location of all areas subject to inundation or stormwater overflow.
11. **Proposed parcel lines.** The proposed division lines with dimensions in feet and the gross and net area of each parcel created by such division in square feet or acres to the nearest tenth. Also, each parcel created shall be designated on the tentative map by number.
12. **Designated building sites.** Any designated building sites proposed by the applicant to minimize grading, tree removal, and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on the tentative map for proposed parcels greater than 10,000 square feet. Also, any details on proposed building setback lines and widths of sideyards shall be shown on the tentative map.

13. **Streets.** The locations, names, county road numbers and widths of all adjoining and contiguous highways, streets and ways.
14. **Easements.** The locations, purpose, and width of all existing and proposed easements, streets (with proposed names) and appurtenant utilities.
15. **Coastal zone.** For tentative maps for properties located within the coastal zone between the sea and the first public road paralleling the sea, show the location of the public accessways nearest to the subject site. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

[Amended 1992, Ord. 2581]

21.02.048 – Application required – Contents

- a. When submitted to the planning department, the tentative parcel or tract map shall be accompanied by a completed application plus fifteen copies on the form prepared by the planning department and shall contain all information, authorizations, and signatures required by the planning department including, but not limited to, the following information:
 1. **Reduction of tentative map.** A copy of a reduction of the tentative map as required by Section 21.02.044 of this title.
 2. **Preliminary title report.** Two copies of a preliminary title report concerning the property which is not more than six months old showing current property owners.
 3. **Consent of owner.** If the applicant does not submit evidence as being an owner of the property, an executed consent of owner shall be submitted on a form provided by the planning department authorizing the processing of the application.
 4. **Right of entry.** A right of entry signed by the property owner or authorized agent permitting entry of county employees on the proposed subdivision property for purposes of viewing and inspecting the property during the subdivision review process.
 5. **Public hearing notice.**
 - (i) Names and addresses of all record owners within three hundred feet of the property being divided shall be submitted in the format required by the planning department.
 - (ii) In addition to the information required above, for tentative maps for properties located within the coastal zone, include two copies of a list of names and addresses of all residents and property owners within one hundred feet of the exterior boundaries of the parcel. The names and addresses shall be typed on gummed labels and submitted to the

planning department. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

6. **Existing use.** Existing use or uses of the property.
7. **Soils report.**
 - (i) A preliminary soils report prepared by a geotechnical engineer or a qualified registered civil engineer is required for all tentative tract maps. Upon receipt of a written request, this provision may be waived if the county engineer determines that because of previous knowledge as to soils qualities within the division, no preliminary analysis is necessary.
 - (ii) A preliminary soils report may be required for tentative parcel maps if the county engineer determines that such information is necessary for adequate review of the application.
8. **Agricultural viability report.** Tentative maps for properties located within the agriculture land use category within the coastal zone shall also include the information required by Section 23.04.024 of Title 23 of this code. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]
9. **Environmental information.** The following information shall be submitted if required by the planning director in addition to the other requirements of this title and Title 22 or Title 23 of this code prior to acceptance of the application as complete. If the applicant volunteers to prepare and complete an environmental impact report pursuant to the requirements of the California Environmental Quality Act, the additional information required by this section may be fulfilled as part of the environmental impact report prepared for the project. [Amended 1993, Ord. 2602]
 - (i) **Agricultural buffers.** Where there is an existing agricultural use taking place on adjacent parcels and the applicant proposes an agricultural buffer, such buffer shall be shown on the tentative map, and shall be incorporated into the site design or the lot configuration of the proposed subdivision.
 - (ii) **Archeological report.** The applicant shall provide an archeological surface search prepared by a qualified individual approved by the environmental coordinator of the county.
 - (iii) **Botanical report.** The applicant shall provide a botanical report prepared by a qualified individual approved by the environmental coordinator of the county.
 - (iv) **Biological report.** The applicant shall provide a biological report prepared by a qualified individual approved by the environmental coordinator of the county.

- (v) **Noise study.** Where required by the noise element or where the subdivision adjoins a potential noise generator, a noise study shall be prepared by a qualified individual approved by the environmental coordinator of the county.
 - (vi) **Tree inventory plan.** The applicant shall provide a tree inventory plan which locates all trees on the tentative map, their size and species and any proposed for removal. The plan shall also include proposals for replacement of trees to be removed and the planting of new trees. In areas where no trees are proposed for removal, the limits of the wooded area may be designated by the outline of the canopy.
 - (vii) **Visual analysis.** For subdivisions along significant visual corridors, as identified in the open space element or the land use element of the general plan, a visual analysis shall be prepared by a qualified individual approved by the environmental coordinator of the county.
10. **Proposed use.** Proposed use of the property. If the property is proposed to be used for more than one purpose, the area, parcels or parcel proposed for each type of use shall be shown on the tentative map.
11. **Improvements proposed.** Statement of the improvements and public utilities proposed to be made or installed and of the time at which such improvements are proposed to be completed. Applications should be accepted as complete only if improvements proposed are, as a minimum, in conformity with the standard improvement specifications and drawings, unless the application is accompanied by an adjustment request pursuant to Section 21.03.020(d) of this title.
- (i) **Drainage.** Proposed plan for drainage, if possible.
 - (ii) **Water supply.** Provision for proposed water supply, including that required by Section 21.03.010(f) of this title.
 - (iii) **Sewerage.** Provision for sewerage and sewage disposal.
 - (iv) **Public areas.** Public areas proposed.
 - (v) **Street lighting.** Type and location of street lighting proposed, if applicable.
12. **Preliminary grading, drainage, and erosion control plan.** For a tentative map with proposed parcels of one acre or less in size or with proposed parcels with an average slope of greater than ten percent, a preliminary plan for grading, drainage and erosion control may be required to be submitted by the applicant if the planning director determines that such information is necessary for adequate review of the application. [Amended 1993, Ord. 2602]
13. **Public services.** Names and addresses of all public entities or utilities which will provide services to the subdivision.

14. **Restrictive covenants.** A copy of any restrictive covenants proposed.
15. **Justification.** Justification and reason for any adjustments to the provisions of Section 21.03.010 or the standard improvement specifications and drawings that are requested pursuant to Section 21.03.020 of this title.
16. **Other information.** Any additional information required by the list(s) maintained by the planning department, prepared under Government Code section 65940, which specify in detail information required to be submitted prior to the determination by the planning department that an application is complete. [Amended 1992, Ord. 2581]

21.02.050 – Condominium Conversion

- a. **Condominium application materials.** In the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the names and addresses of each tenant of the subject property shall be submitted by the divider in the format required by the planning department in conformance with Government Code Section 66451.3. In addition, documents required by Government Code Sections 66427.4, 66427.5, 65863.7, 66452.8, and 66452.9 shall also be submitted. [Amended 1992, Ord. 2581; Amended 2009, Ord. 3173]
- b. **Application materials for conversion of a rental mobile home park to resident ownership.**
 1. **Applicability.** The following provision shall apply to all conversions of rental mobile home parks to resident ownership except those conversions for which mapping requirements have been waived pursuant to Government Code 66428.1.
 2. **Definition.** “Mobile Home Park Conversion to Resident Ownership” means the conversion of a mobile home park composed of rental spaces to a condominium or common interest development, as described in and/or regulated by government Code Sections 66427.5 and/or 66428.1.
 3. **Application materials required.** In addition to any other information required by this Code and/or other applicable law, the following information is required at the time of filing of an application for conversion of a mobile home park to resident ownership:
 - (i) **Survey of support.** A survey of support shall be submitted that documents the amount of residential support for the proposed subdivision. The survey shall be conducted in compliance with Government Code Section 66427.5(d).

A resident household consists of household member(s) who live in the mobilehome park for 270 days or more in any 12 month period, and

whose residential address in the mobilehome park can be verified as one that meets at least half of the following criteria:

- (a) Address where registered to vote.
- (b) Home address on file at place of employment or business.
- (c) Home address on file at dependents' primary or secondary school.
- (d) Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
- (e) DMV license address.
- (f) Mailing address.
- (g) Vehicle insurance address.
- (h) Home address on file with bank account.
- (i) Home address on file with IRS.
- (j) Home address on file with local club/association membership.

(ii) **Conversion impact report.** A report on the impact of the proposed conversion on residents of the mobile home park, in compliance with subdivision (b) of Government Code Section 66427.5 The subdivider shall demonstrate that the information contained in the conversion impact report is available to residents at least 15 days prior to conduct of the survey of support required by subsection (3)(i) above. The conversion impact report shall, at a minimum, include all of the following:

- (a) Identification of the anticipated method and timetable for compliance with Government Code Section 66427.5 (a), and identification of the number of existing resident households expected to purchase their subdivided units within the first four (4) years after conversion.
- (b) A statement detailing the Survey of Support requirement under Government Code 66427.5(d) and the use of the survey results by the San Luis Obispo County Review Authority.
- (c) A statement specifying the method by which the sales prices of subdivided units will be established, and the specifications of a range of purchase prices that will be applicable to the subdivided units in the mobilehome park, including, but not limited to, the inclusion of any inflation adjustment formula to be utilized.
- (d) Identification of the method and anticipated time table for determining the rents for non-purchasing residents pursuant to Government Code Section 66427.5 (f) (1), and identification of the number of resident

households likely to be subject to these provisions. This subsection applies to non-purchasing residents who are not lower income households.

- (e) Identification of the method for determining and enforcing the controlled rents for non-purchasing households pursuant to Government Code Section 66427.5(f)(2), and identification of the number of resident households likely to be subject to these provisions. This subsection applies to non-purchasing residents who are lower income households.
- (f) A statement specifying the number of mobilehome spaces in the park and the rental rate history of each space over the four year period prior to the filing of the application.
- (g) Analysis of the potential for non-purchasing residents to relocate their mobilehomes to other mobilehome parks within San Luis Obispo County.
- (h) An engineer's report on the type, size, current condition, adequacy, and remaining useful life of common facilities located within the park, including but not limited to water systems, sanitary sewer, fire protection, storm water, streets, lighting, pools, playgrounds, and community buildings. A pest report shall be included for all common buildings and structures. "Engineer" means a registered civil or structural engineer, or a licensed general engineering contractor.
- (i) If the useful life of any of the common facilities or infrastructure is less than thirty (30) years, a statement of the cost of replacing such facilities over their useful life, and the subdivider's plan to provide funding for same.
- (j) An estimate of the annual overhead and operating costs of maintaining the park, its common areas and landscaping, including replacement costs as necessary, over the next thirty (30) years, and the subdivider's plan to provide funding for same.
- (k) Name and address of each resident, and household size.
- (l) An estimate of the number of residents in the park who are seniors or disabled. An explanation of how the estimate was derived must be included.
- (m) A maintenance inspection report demonstrating compliance with Title 25 of the California Code of Regulations ("Title 25 Report"). Proof of remediation of any Title 25 violations shall be confirmed in writing by the California Department of Housing and Community Development (HCD).
- (n) A statement describing any financial assistance that will be made available for residents who purchase their subdivided unit. The

statement shall indicate that government assistance is granted only on a competitive basis and is limited to the current supply of available funds.

4. **Approval of a mobilehome park conversion.** The review authority shall use the standards and criteria of Section 21.06.040 when considering the approval of any conversion of a rental mobilehome park into a condominium or common interest development.

[Amended 2009, Ord. 3173]

21.02.060 – Fees for processing maps

Where maps are processed by the county under the provisions of this title, fees shall be set by ordinance of the board of supervisors. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2581]

21.02.070 – Completeness of applications

- a. **Review of applications.** The planning department shall make written completeness determinations pursuant to Government Code section 65943 for all applications received by the planning department under the provisions of this title.
- b. **Appeal of completeness determination.** If the application and the submitted materials are determined not to be complete pursuant to Government Code section 65943(b), the applicant may appeal that determination to the board of supervisors by filing a written appeal with the planning department within fourteen days after the date of the written determination by the planning department. The board of supervisors shall make a final written determination on the appeal not later than sixty days after receipt by the planning department of the appeal in accordance with the provisions of Government Code section 65943.

[Added 1992, Ord. 2581]

21.02.080 – Establishment of the subdivision review board

The subdivision review board is hereby established and created. The county director of planning and building, the county engineer, the county director of environmental health, the county environmental coordinator, and the county air pollution control officer shall constitute the regular members of the subdivision review board. These county and district officers may designate a staff member to serve in their place as a regular member and shall designate a staff member as an alternate member to serve and vote in place of any regular member who is absent or who disqualifies himself or herself from participating in a meeting of the subdivision review board. The county director of planning and building or designated staff member shall serve as chairman of the subdivision review board.

21.02.090 – Duties of the planning commission and subdivision review board as the advisory agency.

- a.** The planning commission is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative tract maps. In addition, the planning commission is authorized to make decisions on adjustment requests for tentative tract maps filed under Section 21.03.020, time extension requests for tentative tract maps filed under Section 21.06.010, and modification requests for recorded final tract maps filed under Section 21.06.060.
- b.** The subdivision review board is designated the advisory agency authorized to approve, conditionally approve, or disapprove tentative parcel maps, requests for the waiver of the filing of a parcel map as defined in Section 21.02.010(e), lot line adjustments as defined in Section 21.02.030, conditional certificates of compliance as defined in Section 21.02.020, and notices of violation as defined in Section 21.07.020. In addition, the subdivision review board is authorized to make decisions on adjustment requests for tentative parcel maps filed under Section 21.03.020, time extension requests for tentative parcel maps filed under Section 21.06.010, and modification requests for recorded parcel maps filed under Section 21.06.060.
- c.** The subdivision review board, as the Review Authority, is authorized to approve, conditionally approve, or disapprove certain land use permit applications that are submitted and filed in conjunction with tentative parcel map applications pursuant to the provisions of Title 22 or Title 23 of this code.
- d.** At the discretion of the Planning Director, any application for a project that may generate substantial public controversy or involve significant land use policy issues and for which review authority is granted to the subdivision review board pursuant to the provisions of Title 22 or Title 23 of this code, or this Title, may be referred to the planning commission for review and decision in the same manner as a tentative tract map without the applicant being charged an additional application fee.

[Amended 1992, Ord. 2581; Amended 1993, Ord. 2602; Amended 2001, Ord. 2943; Amended 2012, Ord. 3223]

CHAPTER 3: DESIGN CRITERIA

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21.03.010 – Factors to be considered

The planning commission and the subdivision review board, as the advisory agency, shall not approve or conditionally approve a tentative tract map or tentative parcel map unless it determines that all of the following criteria are satisfied:

- a. **Ordinance compliance.** The subdivision conforms to all applicable land use, subdivision, building, grading, and all other relevant regulations of the county including this title.
- b. **Statutory compliance.** The subdivision meets all requirements of the Subdivision Map Act and all other relevant state laws.
- c. **Parcel and site design.** The design of the subdivision shall comply with all land use regulations and general plan standards and requirements in effect in the area of the proposed subdivision and shall be based upon the following principles and policies:
 - 1. The size and configuration of parcels should be such as to encourage the efficient utilization of land and not deter or hinder the use of adjacent parcels, present or future. Where feasible, the use of clustering with open space provisions shall be encouraged.
 - 2. Side parcel lines should be as close as practical to right angles to existing rights-of-way.
 - 3. Unless land use regulations or general plan standards and requirements allow otherwise, parcels shall not be less than sixty feet in width at the front yard setback and not less than eighty feet in depth, provided that corner parcels permit structures to conform to the setback line of each street. The average depth of a parcel shall be no greater than three times the average width of a parcel. Under certain conditions, such as commercial areas, dead-end streets or unusual topographic conditions, the planning commission or subdivision review board may approve an adjustment to this requirement pursuant to Section 21.03.020 of this title.
 - 4. Double-frontage parcels other than corner lots are discouraged except when necessitated by topographical or other physical conditions or where ingress and egress to and from one of the roads is prohibited by law or where direct access

has been or will be relinquished. Requests for adjustment pursuant to Section 21.03.020 should be adequately substantiated by the applicant.

5. The resulting parcels shall achieve optimal utility as measured by:
 - (i) Efficient use of land;
 - (ii) Minimizing site disruption in developing access drives and building pads with respect to cuts and fills and vegetation removal;
 - (iii) Ensuring that proposed parcels would not act to deter or hinder the use of the subject or adjacent parcels, present or future; and
 - (iv) Maintaining the character and parcel configuration pattern of the surrounding area.
 6. Access to rear parcels shall be by private easement, and shall not be through the use of a fee ownership strip commonly known as a "flaglot". When streets are proposed within the subdivision, all parcels of the subdivision shall be designed to have direct frontage on a street. Tiered or stacked parcels, served by multiple fee strips or easements, shall not be allowed.
 7. **Landscaping.** For all proposed parcels of one acre or less to be served by a community water system, street trees shall be provided at a ratio of one tree for every twenty-five feet of frontage. The trees shall be located between the back of the curb or curb line and any existing or proposed structures. Grouping of the required trees is preferred over equal spacing along the frontage. The species of trees shall be native and/or drought tolerant. Where existing vegetation or the proposed species of tree would make this requirement unnecessary or would allow for modification, an adjustment may be requested pursuant to Section 21.03.020 of this title. [Amended 1993, Ord. 2602]
 8. Proposed building sites shall be in locations that are least visible from public roads and shall not be located on ridgetops such that future structures will silhouette against the skyline as viewed from public roads, unless an adjustment is approved pursuant to Section 21.03.020 of this title. [Amended 1993, Ord. 2602]
 9. It is county policy to discourage parcels divided by the boundary line of a city, county, school district, or special taxing district.
- d. **Access and circulation design.** The following standards shall be applicable to property proposed for division to promote adequate access and circulation.
1. Any existing or new street, intended or necessary for or serving as the principal means of vehicular access to the property shown on the tentative parcel or tract map, shall have a minimum right-of-way width of forty feet for a part-width street or a minimum right-of-way width of fifty feet for a full-width street. Improvement of said street shall be pursuant to Section 21.05.020 of this title.

2. The subdivision shall provide for the opening or extension of streets for traffic circulation for the convenience, safety, and welfare of the lot owners within the subdivision and the local neighborhood.
3. The area, dimension or frontage of each parcel should be such as to allow future widening, extension or opening of any street established by specific plans, official plan lines, or where ultimate rights-of-way are determinable from existing developments.
4. The centerline of all streets wherever practical should be continuations of the centerlines of existing streets or should be offset in accordance with the standard improvement specifications and drawings.
5. Street intersections should be as near as to a right angle as practical.
6. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and resulting deadend streets may be approved without a turnaround when such streets are less than six hundred feet in length. In all other cases, a turnaround having a minimum radius of forty feet or comparable area in other form shall be required, separated to the depth of one parcel from the exterior boundary of the subdivision.
7. Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.
8. Where real property is divided into parcels which are capable of being further divided according to the applicable general plan, the parcels should be of such size and shape as to provide for the opening of primary and secondary streets, and for the ultimate extension and opening of minor streets at such intervals as will permit subsequent division into parcels of minimum size.
 - (i) Block lengths should not exceed one thousand feet unless existing conditions warrant an exception. Long blocks are desirable adjacent to heavily travelled streets in order to reduce the number of intersections.
 - (ii) Blocks should be of sufficient width to permit two tiers of parcels of required depth.
 - (iii) When the lots are proposed to front on major or secondary streets or highways, the subdivider may be required to dedicate and improve a service road separate from the major street or highway. When lots front on major streets or highways, direct access to such roads may be prohibited.

e. Flood hazard and drainage.

21.03.010 - 21.03.010

1. Where all or any portion of the subdivision is located within a Flood Hazard combining designation, evidence must be submitted to show that the parcels will have flood free building sites which satisfy the requirements of Title 22 or Title 23 of this code and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. In addition, the subdivision must not cause a flood hazard to surrounding properties.
2. Privately maintained drainage basins shall be designed to contain two feet of water or less under the design storm as measured from the lowest point in the basin, and shall be landscaped so as to provide usable open space. Where it is not feasible to construct a drainage basin containing two feet of water or less, and adjustment may be granted pursuant to Section 21.03.020. Where such a basin is proposed, a conceptual plan shall be submitted illustrating: basin cross sections, perimeter safety/access barrier, and interior and exterior landscaping and irrigation. The interior of such a basin shall be landscaped to control erosion and the exterior of the fencing shall be landscaped to screen and soften the fencing.
3. All new subdivision proposals and other proposed development, including proposals for mobile home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall identify the Special Flood Hazard Areas (SFHA) and the Base Flood Elevations (BFE)

[Amended 1993, Ord. 2602; Amended 2015, Ord. 3288]

f. **Water supply.**

1. **Water provision for proposed parcels of less than sixty acres.** Prior to the approval of a tentative parcel or tract map for a subdivision creating any parcel of less than sixty acres, sufficient evidence shall be submitted to the county health department showing that water adequate for domestic (human consumption) uses is available on-site or from an approved water purveyor to serve the uses proposed for each parcel. Prior to the recordation of the parcel map or tract map for any subdivision containing any parcel of less than sixty acres, the county health department shall certify for each such parcel less than sixty acres created that an adequate on-site water supply intended for domestic uses, including operable facilities, or water from an approved water purveyor meeting the domestic standards of the California Domestic Water Quality and Monitoring Regulations (California Code of Regulations, title 22, sections 64401 et seq.) exists and is available. When service is by a public water system as defined by section 64411 of title 22 of the California Code of Regulations, construction of the required improvements may be delayed, when approved by the county health department, through preparation of plans, posting of bonds, and preparation and execution of subdivision and inspection agreements in accordance with Sections 21.05.040, 21.05.045, 21.05.050 and 21.05.055 of this title.
2. **Water provision for proposed parcels of sixty acres or greater.** Prior to recordation of the parcel map or tract map for any subdivision creating parcels of sixty acres or greater, sufficient evidence shall be submitted to the county health

department showing that water adequate for domestic uses is available on-site or from an approved water purveyor to each such parcel of sixty acres or greater.

3. Whenever the term "sufficient evidence" is used in subparagraphs (1) and (2) above, the evidence shall include existing county data, a report submitted by a registered hydrologist or geologist or a county-licensed well driller, or satisfactory evidence from test wells drilled on each parcel, all of which is subject to the approval of the county health department.

Where the term "operable facilities" is used in subparagraph (1) above, it shall mean either a test hole or well establishing to the satisfaction of the county health department that such domestic water of sufficient quantity and quality exists and is available. For domestic water provided from an approved public water system or a shared water system, it shall mean that an approved water main has been extended to serve each of the parcels created.

- g. **Sewage disposal.** The disposal of sewage from or within the parcel shall not, in the opinion of the county health department, constitute a health problem. Adequate provision shall be made for sewage disposal by:

1. **Connection to a community sewer system where available.** Proper sewer facilities shall include the installation of service laterals to the property line of each parcel. Locations and grades shall be in accordance with the standard improvement specifications and drawings. In such cases, the divider shall submit a letter from the governing body of the community sewer system prior to action on the tentative parcel or tract map, showing the ability of the system to handle sewage from the proposed subdivision. Evidence that a satisfactory agreement has been entered into for connection to the system shall be required prior to filing of the parcel or tract map. A determination by the county health department shall be made as to whether the discharge of waste from a proposed subdivision in an existing community sewer system would result in violation of requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the California Water Code. In the event the proposed discharge would result in or add to violation of requirements of such board, the subdivision may be disapproved.

2. **Septic tanks, where a community sewer system is unavailable.** In such cases, a letter shall be submitted from the county health department certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the parcel arrangement and sizes as shown on the tentative parcel or tract map. Field investigations, borings, etc., under the guidelines established by the Central Coast Regional Water Quality Control Board Basin Plan, shall be made by and at the expense of the divider under supervision of the county health department.

- h. **Public utilities.** All public utilities, including cable television systems, shall be placed underground for all parcel maps and tract maps located within urban and village areas (as defined in the land use element of the county general plan). Utility improvement requirements shall be based on the ultimate density determined from the general plan. All underground utilities to be installed in street, alley, or highway right-of-way shall be

installed prior to the surfacing of such street, alley, or highway and all utilities shall be shown on the improvement plans for the subdivision.

- i. **Additional coastal zone requirements.** All subdivisions located within the coastal zone, except for condominium conversions, shall satisfy the additional requirements of Section 23.04.021 and, where applicable, Sections 23.04.024 through 23.04.036, inclusive, of Title 23 of this code. In the event of any conflict between the provisions of Section 23.04.021 and those of Sections 23.04.024 through 23.04.036, the provisions of this Section 23.04.021 shall prevail. These provisions include, but are not limited to, the following:

1. **Water and sewer capacities – urban areas:** In communities with limited water and sewage disposal service capacity as defined by Resource Management System alert Level II or III:

- (i) Within an urban services line, new subdivisions shall not be approved unless the planning commission or subdivision review board first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels.
- (ii) A proposed subdivision between an urban services line and urban reserve line shall not be approved unless the planning commission or subdivision review board first finds that sufficient water and sewage disposal service capacities are available to accommodate both existing development within the urban services line and development that would be allowed on presently vacant parcels within the urban services line.

2. **Minimum parcel size between urban services and urban reserve lines:** In communities with limited water or sewage disposal service capacity problems as defined by Resource Management System alert Level II or III, new subdivisions of land (except as provided for in subsection (4)) between an urban services line and urban reserve line are subject to the following requirements:

- (i) New parcels shall be no smaller than the largest minimum parcel size established for the subject land use category by Sections 23.04.024 through 23.04.036, inclusive.
- (ii) A cluster subdivision may be permitted (under Section 23.04.036) provided that the overall density does not exceed the base density computed by using the largest parcel size required for the applicable land use category by Sections 23.04.024 et seq.

3. Subdivisions requiring new service extensions. To minimize conflicts between agricultural and urban land uses, subdivisions requiring new community water or sewer service extensions beyond the urban services line shall not be approved.

4. Conveyances of land by public agencies and other public entities. In making the determination of whether public policy necessitates the filing of a parcel map pursuant to Section 21.02.010(a)(9) of this title, the planning director at a

minimum shall require a tentative parcel map. Such map shall not be approved unless it is found to be consistent with the county's local coastal program.

[Added 1998, Ord. 2343; Amended 1992, Ord. 2582]

- j. **Subdivision Map Act findings.** The proposed subdivision is consistent with the general plan pursuant to Government Code section 66473.5 and does not conflict with Government Code sections 66474 or 66474.6.
- k. **California Environmental Quality Act findings.** When significant environmental effects of the subdivisions are identified, one or more of the applicable findings set forth in section 15091 of title 14 of the California Code of Regulations shall be made. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2581]

21.03.020 – Adjustments

- a. In performing its responsibilities pursuant to this title, the planning commission and the subdivision review board may consider, and in cases where undue hardship would result from the application of the regulations established in this title, approve adjustments or conditional adjustments to these regulations.
- b. Requests for adjustments to the standards set forth in Section 21.03.010 of this title shall be submitted in writing to the planning department at the time the applicant submits the application for land division. If the request is for an adjustment to the requirements of the standard improvement specifications and drawings or for required offers of dedication, the adjustment may be requested at the time the applicant submits the application for land division or may be requested after the tentative parcel or tract map has been approved but before recordation of the parcel or tract map. When the regulation from which the applicant is seeking relief pursuant to that title. [Amended 1988, Ord. 2343; Amended 1992, Ord. 2582]
- c. Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in Section 21.03.010 of this title or for required offers of dedication unless it makes each of the following findings:
 - 1. That these special circumstances or conditions affection the subdivision; and
 - 2. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and
 - 3. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. [Adopted 1979, Ord. 1986 §2 (part)]

- d.** If the request is for an adjustment to the requirements of the standard improvement specifications and drawings, neither the planning commission nor the subdivision review board shall approve the adjustment unless it makes each of the following findings:
- 1.** That there are special circumstances or conditions affecting the property being subdivided; and
 - 2.** That the granting of the adjustment will not be detrimental to the traffic circulation system, the public utility, and storm drainage systems, or vehicular or pedestrian safety; and
 - 3.** That the granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility; and
 - 4.** That the granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision.

[Amended 1992, Ord. 2581; Amended 2001, Ord. 2943]

CHAPTER 4: ACTION AND APPEALS

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21.04.010 – Action by the advisory agency

- a. This staff report and recommendations of the planning department shall be forwarded to the appropriate advisory agency for action thereon, with a copy to the applicant. The applicant shall be notified of the date upon which the advisory agency will consider approval, conditional approval or disapproval of the tentative parcel or tract map.
- b. A public hearing shall be conducted before the advisory agency. Notice of the public hearing shall be provided as follows:
 - 1. Publish notice of the time and place of the public hearing once in a newspaper of general circulation published and circulated within the county of San Luis Obispo at least ten days before the hearing; and
 - 2. Notify by mail the owners of property within three hundred feet of the exterior boundaries of the property covered by the tentative parcel or tract map. The notices shall be deposited in the United States mail with postage prepaid not less than ten days prior to the date of the hearing; and
 - 3. For application on properties within the coastal zone, see Section 21.08.020 of this title for notice requirements. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]
- c. The application shall be placed upon the advisory agency’s agenda, at which time the advisory agency shall consider the staff report of the planning department, and any other relevant evidence presented before the advisory agency.
- d. The advisory agency shall approve, conditionally approve or disapprove the tentative parcel or tract map and make written findings indicating the basis of the decision. The advisory agency shall make all findings and determinations required to be made pursuant to Sections 21.02.090 through 21.03.020 of this title.

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- e. The staff report of the planning department shall in all cases be deemed incorporated as part of the record. Unless the advisory agency determines to the contrary, the recommended findings and conditions of the staff report of the planning department shall be the findings and conditions of the advisory agency.
- f. Where an application is for property within the coastal zone, the coastal commission shall be notified of the action pursuant to Section 21.08.032 of this title no more than seven days after final action on the application by the advisory agency. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

[Amended 1992, Ord. 2581]

21.04.020 – Appeals to the board of supervisors

- a. Appeals shall be heard by the board of supervisors
- b. As used herein, the term “aggrieved person” means the same as an “interested person adversely affected” as used in Government Code section 66452.5.
- c. Within fourteen (14) days after action, the subdivider may appeal from any action of the planning director to the board of supervisors. Appeals to the board of supervisors shall be submitted in writing to the clerk of the board of supervisors, with a copy submitted to the planning department. Said appeals shall reference the tentative map number and shall state fully the nature and extent of the appeal and the reasons why it is taken. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code section 66452.5(a), (b), and (e), and subsection of (f) of this Section.
- d. Any aggrieved person affected by a decision of the advisory agency may file a complaint on a form to be provided by the county planning department with the clerk of the board of supervisors concerning such decision. A copy of the complaint shall be filed with the planning department. Any such complaint shall be filed with the clerk of the board and the planning department within fourteen (14) days after the action which is the subject of the complaint. Such hearing on the complaint shall be conducted in the manner provided by Government Code section 66452.5(d) and (e), and subsection (f) of this Section.
- e. Any aggrieved person may appeal any decision of the advisory agency relative to the provisions of Government Code sections 66473.5, 66474.1 and 66474.6 to the board of supervisors. Such an appeal and the hearing thereon shall be conducted in the manner provided by Government Code section 66452.5(a), (b), and (e), and the subsection (f) of this Section.
- f. Whenever a public hearing is held pursuant to this Section, it shall be conducted as required by Government Code section 66451.3. Notice of the time and place thereof and a general description of the location of the proposed subdivision shall be given at least ten (10) days before the hearing by publication once in a newspaper of general

circulation and published and circulated in the County of San Luis Obispo. Any interested person may appear at such hearing and shall be heard.

[Added 1992, Ord. 2581]

21.04.030 – Applications deemed approved

- a. Tentative map applications deemed approved pursuant to Section 65956 of the Government Code or Article 2 of Chapter 3 of the Subdivision Map Act, Government Code Sections 66452, et seq., shall be subject to all of the following mandatory requirements for design and improvement.
 1. Private easements shall not serve as access to any of the proposed parcels;
 2. The area, dimensions or frontage of each parcel shall be such as to allow for the future widening, extension or opening of any street or alley established by specific plans, specific plan lines, or where the projected ultimate right-of-way lines are determinable from existing development;
 3. None of the proposed parcels shall be divided by the boundary line of a city, county, school district or special taxing districts;
 4. Other than corner parcels, parcels which abut roads and have a depth of less than two hundred and forty feet and are double-frontage parcels are prohibited, except where ingress and egress to and from one of the roads is prohibited by law;
 5. The size and shape of the proposed parcels shall be in conformance with any zoning regulations and general plan provisions effective in the area of the proposed division and shall not be less than sixty feet in width at the front yard setback nor less than eight feet in depth. In no case shall the average depth of the parcel be greater than three times the average width of the parcel.
- b. Said tentative map applications shall be deemed conditionally approved subject to the mandatory requirements 21.05.040, 21.05.045, 21.05.050, and 21.05.055 of this title, and no building permits or other land use entitlements shall be issued until all of said conditions are satisfied.
- c. Maps filed for record subsequent to the automatic approval of the tentative map therefore shall remain subject to all the mandatory requirements of this title and the Subdivision Map Act, including, but not limited to the Government Code Sections 66473, 66473.5, and 66474.
- d. When an application is for property within the Coastal Zone, notice to the applicant and the Coastal Commission shall also be provided pursuant to Section 21.08.032 of this title. [Added 1988, Ord. 2343]

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21.04.035 – Applications deemed withdrawn

Unless waived by the board of supervisors any application received and processed under the provisions of this title shall be deemed withdrawn and henceforth null and void if the applicant has not commenced further processing of the application with the county within the later occurring of the following two time periods:

- a. Ninety days from the last written notification to the applicant from the county requesting further information from or action by the applicant and to which the applicant has not responded; or
- b. Six months from the date of the last subdivision review board, planning commission or board of supervisors action regarding the application which did not constitute a final county determination regarding the entire application. [Adopted 1979, Ord. 1986 §2 (part)]

21.04.040 – Building and land use permits

- a. Compliance with this title is a condition precedent to the issuance of a building permit or land use permit by any person authorized to issue such permits in the unincorporated territory of the county.
- b. This title shall be deemed complied with if the parcel map or tract map is in substantial compliance with the conditions of approval of the tentative parcel map or tentative tract map approved by the subdivision review board or planning commission and the parcel map or tract map satisfies the requirements of Section 21.03.010 of this title. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2581]

21.04.050 – Voidability of conveyances

Any conveyance or contract to convey made contrary to the provisions of this title is voidable to the extent and in the same manner provided in Section 66499.32 of the Government Code of the State of California.

[Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2581]

CHAPTER 5: IMPROVEMENTS

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21.05.010 – Dedications and irrevocable offers of dedication

As a condition of approval of maps, dividers may be required to dedicate, or to make irrevocable offers of dedication, or obtain offers of dedication of real property for streets, alleyways, including access rights and abutter's rights, coastal public access, drainage facilities, public utility easements and other public easements. [Adopted 1979, Ord. 1986 §2 (part)]

21.05.020 – Degree of improvements

- a. When improvements are required to be made as a condition of approval of a tentative parcel map or tentative tract map, the standard of improvements required shall be reasonable for the parcels being created and shall not exceed those prescribed by the standard improvement specifications and drawings.
- b. All improvements mentioned herein shall conform to those required by the standard improvement specifications and drawings of the county as described in Section 21.01.020, recognizing that the adjustment procedure is available for unusual circumstances. Under the provisions for adjustments, road improvements in rural areas may be of a standard equal to that of the county road to which it connects.

[Amended 1992, Ord. 2581]

21.05.030 – Dividers information to county surveyor

After the approval of the tentative map, the divider shall furnish the following information to the county surveyor and shall receive his authorization prior to construction of any of the improvements or preparation of the parcel map or tract map.

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- a.** Complete improvement plans for utilities, roads, streets and drainage improvements prepared in accordance with the county standard improvement specifications and drawings;
- b.** Elevations shall be referred to N.O.A.A., N.O.S. datum or local datum when N.O.A.A., N.O.S. datum is unavailable;
- c.** Soil tests on which to base the design of the structural section of the roadway and soil tests are required or permitted to pursuant to Government Code Sections 66490 through 66491. [Adopted 1979, Ord. 1986 §2 (part)]

21.05.040 – Construction of improvements – Tract maps

When improvements are required as a condition of approval of a tentative tract map, the applicant shall have the option of:

- a.** Completing all improvements prior to filing of the tract map; or
- b.** Making a cash deposit or posting of certificate of deposit assigned to or made payable to the county for one hundred percent of the estimated cost of improvements, with fifty percent of that amount to be held for the laborers and materialmen's guarantee; or posting a good and sufficient improvement security in the form of a county counsel-approved performance bond or letter of credit with the county in an amount equal to one hundred percent of the cost of improvements, and a laborers and materialmen's bond or letter of credit equal to one-half of the performance bond or letter of credit. The sufficiency of the amounts of such security shall be established by the director of public works. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2591; Amended 2001, Ord. 2943]

21.05.045 – Construction of improvements – Parcel maps

- a.** When improvements are required as a condition of approval of a tentative parcel map, construction of said improvements shall be completed within a reasonable time following approval of the parcel map if the subdivision review board finds that fulfillment of the construction requirements is necessary for reason of:
 - 1.** The public health or safety; or
 - 2.** The required construction is a necessary prerequisite to the orderly development of the surrounding area.
- b.** When improvements are required pursuant to subsection (a), the divider shall have the option of:
 - 1.** Completing all improvements prior to filing of the parcel map; or

2. Making a cash deposit or posting a certificate of deposit assigned to or made payable to the county for one hundred percent of the estimated cost of improvements, with fifty percent of that amount to be held for the laborers and materialmen's guarantee; or posting a good and sufficient improvement security in the form of a county counsel-approved performance bond or letter of credit with the county in an amount equal to one hundred percent of the cost of improvements, and a laborers and materialmen's bond or letter of credit equal to one-half of the performance bond or letter of credit. The sufficiency of the amounts of such security shall be established by the director of public works.
- c. If the subdivision review board does not make the findings specified in subsections (a)(1), construction of improvement requirements for the entire parcel map shall be completed prior to issuance of any permit or any other grant of approval for development of any parcel(s).
 - d. Requirement for construction of improvements pursuant to subsection (c) shall be noticed by certificate on the parcel map. The form and content of the certificate shall be as prescribed by the county counsel, and shall impose upon the divider or the successors in interest of the property divided the obligation to complete construction of improvements pursuant to subsection (c) prior to issuance of any permit or other grant for development of any parcel. In addition, the divider shall provide, prior to filing the parcel map, security for the completion of improvements pursuant to subsection (c) by one of the methods specified in Government Code section 66499, the choice of which type of security specified therein required shall be made by and is subject to approval of the county engineer. The amount of security shall be sufficient to cover the costs of improvements at the future time of construction. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2591]

21.05.050 – Performance and inspection agreement

When the divider elects to post security for completion of the improvements prior to the filing of the parcel or tract map pursuant to Sections 21.05.040b, 21.05.045b(2) or 21.05.045d, the divider shall enter into an agreement with the county which provides that the improvements will be completed in accordance with the approved improvement plans. The agreement shall provide for payment by the divider to the county for the cost of the inspection of the improvements by the director of public works. The director of public works is authorized to execute said agreement on behalf of the county.

[Amended 2001, Ord. 2943]

21.05.055 – Inspection agreement

When a divider elects to complete the improvements prior to filing the parcel or tract map as per Sections 21.05.040a or 21.05.045b(1), the divider shall enter into an agreement for inspection of required improvements. This agreement shall provide for the payment by the divider to the county for the cost of the inspection of the improvements by the director of public works. The director of public works is authorized to execute such agreement on behalf of the county. [Adopted 1979, Ord. 1986 §2 (part); Amended 2001, Ord. 2943]

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CHAPTER 6: PARCEL AND TRACT MAP – FILING

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21.06.010 – Parcel and tract maps – Time for filing

- a. An approved or conditionally approved tentative tract map shall expire twenty-four months after its approval or conditional approval. An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval.
- b. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel or tract map of all or any portion of the real property included within such tentative parcel or tract map shall be filed without first processing a new tentative map.

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- c. Upon application of the divider filed with the planning department prior to the expiration of the approved or conditionally approved tentative parcel map or tentative tract map, the advisory agency (the subdivision review board or the planning commission) may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of six years. The planning department shall make a written recommendation in its staff report to the advisory agency concerning the extension request. The decision of the advisory agency shall be final unless appealed to the board of supervisors within fifteen (15) days after the date of the decision. [Adopted 1979, Ord. 1986 §2 (part)]
- d. An application by the divider filed with the planning department for a stay due to a development moratorium or a lawsuit involving the approval or conditional approval of a tentative parcel or tract map shall be reviewed and decided by the planning director. The decision of the planning director shall be final unless appealed to the board of supervisors within fifteen (15) days after the date of the decision.
- e. For an approved or conditionally approved tentative parcel map or tentative tract map within the coastal zone that is appealable to the coastal commission, the time limits shall commence after the time limits for noticing the coastal commission (Section 23.01.043 of this code) have lapsed and there is no appeal, or where an appeal has been filed, after the coastal commission has made a final decision.

[Added 1998, Ord. 2343; Amended 1992, Ord. 2581 and 2582; Amended 2001, Ord. 2943; Amended 2012, Ord. 3223]

21.06.020 – Parcel and tract maps – Content and form

The parcel or tract map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor with content and form as prescribed by the Subdivision Map Act and any additional map requirements of this code consistent with the Subdivision Map Act.

- a. **Parcel or tract map information.** The following information shall be shown on the parcel or tract map:
 - 1. Any certificates required by the Subdivision Map Act shall be placed on the first sheet of the parcel or tract map. Map data shall appear on the subsequent pages.
 - 2. Map data.
 - (i) North arrow;
 - (ii) Graphic scale;
 - (iii) Vicinity map;
 - (iv) Adjoining lots and blocks;
 - (v) Map reference;

- (vi) Deed references if the property and the adjoining properties can only be located by deed descriptions;
- (vii) Record distances, bearings and sources;
- (viii) Approved road names and right-of-way widths;
- (ix) All monuments described;
- (x) All easements shown;
- (xi) Recording data for any offer of dedication;
- (xii) Lot size in acres or square feet;
- (xiii) The basis of bearings shown on the map shall be referenced to the California Coordinate System 1983, Zone 5 (CCS83 Z5) as defined in California Public Resources Code Sections 8801-8819. Parcel maps based on record data only as provided for in Section 21.06.026 shall be exempt from this provision. Any other exemption shall be at the discretion of the County Surveyor;
- (xiv) A minimum of two monumented locations on the exterior boundary of the subdivision shall be tied to CCS83 Z5 coordinates with the horizontal coordinates for each of those locations listed on the map and expressed in feet and decimal of a foot, in units of the "US Survey foot." The epoch of the coordinates shall also be shown on the map. Any exemption shall be at the discretion of the County Surveyor. [Amended 2016, Ord. 3314]

3. Additional information. In addition to the information indicated in subsection (1) and (2), whenever a condition of approval for a tentative parcel or tract map requires additional information pursuant to Government Code section 66434.2 to be included in the record, that information shall be placed on an additional map sheet as follows:

- (i) The additional information may be in the form of text or map or both;
- (ii) A statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest.
- (iii) A notation may be made that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those reports or records by the preparer of the additional map sheet. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2591]

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21.06.022 – Parcel and tract maps – Dedications or offers of dedication

- a. If dedications or offers of dedication are required, they may be made either by certificate on the parcel or tract map, or by separate instrument. If dedications or offers of dedication are made by separate instrument, such dedications or offers of dedication shall be recorded concurrently with, or prior to, the parcel or tract map being filed for record. Separate instruments shall be referenced on the parcel or tract map.
- b. Such dedication or offers of dedication, whether by certificate or separate instrument, shall be signed by the same parties and in the same manner as set forth final map. [Adopted 1979, Ord. 1986 §2 (part)]

21.06.024 – Tract maps – Survey requirements

All tract maps shall be based upon a field survey in conformity with Government Code Section 66434. [Adopted 1979, Ord. 1986 §2 (part)]

21.06.026 – Parcel maps, based on field survey or compiled from recorded or filed data

Parcel maps shall be based upon a field survey made in conformity with the Land Surveyors Act. [Adopted 1979, Ord. 1986 §2 (part); Amended 2001, Ord. 2943; Amended 2016, Ord. 3314]

21.06.028 – Monuments

- a. In making a survey, the surveyor shall set permanent monuments at all angle points and curve points on the exterior boundaries of the parcel or tract map, and at all parcel corners. Permanent monuments shall be set at angle and curve points on the centerline of the on-site streets so that each monument will be intervisible with at least two other monuments and shall be set at the point of intersection of all on-site streets. In the rural lands and agriculture land use categories, centerline street monuments at curve points may be omitted provided right-of-way monuments are installed at curve points.
- b. Any monument as required by this title which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- c. All monuments shall be subject to the inspections and approval of the county surveyor before approval of the map. In case the street improvement work in the subdivision is proposed to be installed subsequent to the recordation of the map, the county surveyor may enter into a monumentation agreement with the divider and authorize posting of security in accordance with Government Code sections 66495 et seq. to assure installation of the monuments required by this section which cannot be permanently placed until completion of the improvement work. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2591]

21.06.030 – Parcel and tract maps – Examination, approval and certification by county surveyor

Prior to the filing of the parcel or tract map with the clerk of the board of supervisors, said map and other data shall be submitted to the county surveyor, who shall examine it and determine if the subdivision as shown is substantially the same as it appears on the tentative parcel or tract map and any approved alterations thereof, if all provisions of the law and of this title applicable at the time of approval of the tentative parcel or tract map have been complied with, and that the map is technically correct. If the county surveyor determines that there is substantial conformity with the foregoing conditions, he shall so certify on the map. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2591]

21.06.040 – Condominium conversions

- a. **Required findings.** The board of supervisors shall not approve a parcel or tract map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or stock cooperative project unless it makes all of the findings required by Government Code section 66427.1.
- b. **Approval of conversion of a rental mobilehome park to resident ownership.**
 1. An application for the conversion of a rental mobile home park to resident ownership shall be approved only if the review authority finds that:
 - (i) A survey of resident support has been conducted and the results filed with the County in accordance with the County in accordance with the requirements of Section 21.02.050(b) and Government Code Section 66427.5.
 - (ii) A conversion impact report has been completed and filed with the County in accordance with the requirements of Section 21.02.050(b) and Government Code Section 66427.5.
 - (iii) The conversion to resident ownership is consistent with the provisions of Title 21 of the San Luis Obispo County Code.
 - (iv) The conversion is a bona-fide resident conversion pursuant to subsection b(2).
 - (v) There are no physical conditions existing in the mobile home park that are detrimental to public health or safety, unless: (1) all of the findings required above in subsections (b)(1)(i) through (iv) are made and (2) the subdivider has instituted corrective measures adequate to ensure prompt and continuing protection of the health and safety of park residents and the general public.
 2. For purposes of determining whether a proposed conversion is a bona-fide resident conversion, the following criteria shall be used:

- (i) **More than 50% residential support.** The conversion shall be considered a bona-fide resident conversion where the survey of resident support conducted in accordance with Section 21.02.050(b) and Government Code Section 66427.5 shows that more than 50% of resident households support the conversion to resident ownership.
- (ii) **20% to 50% Residential support.** Where the survey of resident support conducted in accordance with Section 21.02.050(b) and Government Code Section 66427.5 show that at least 20% but not more than 50% of a resident households support the conversion to resident ownership, the subdivider shall have the burden of demonstrating that the proposed conversion is a bona-fide resident conversion. In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision-maker, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time. The plan shall also include effort(s) on the part of the subdivider to assist both purchasing and non-purchasing households in making a successful transition to resident ownership of the park.
- (iii) **Less than 20% residential support.** Then conversion shall not be considered a bona-fide resident conversion where the survey of support conducted in accordance with Section 21.02.050(b) and Government Code Section 66427.5 show that less than 20% of resident households support the conversion to resident ownership.

3. Tenant notification. The following tenant notifications are required:

- (i) **Conversion Impact Report.** The subdivider shall give each resident household a copy of the conversion impact report required by Section 21.02.050(b) and Government Code Section 66427.5(b) within fifteen days after completion of such report, but in no case less than 15 days prior to when the survey of support is conducted and no less than fifteen (15) days prior to the public hearing on the application for conversion. The subdivider shall also provide a copy of the report to any new or prospective residents following the original distribution of the report.
- (ii) **Exclusive Right to Purchase.** If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit and/or space it occupies at the same or more favorable terms and conditions than those on which such unit of space shall be initially offered to the general public.

The right shall run for a period of not less than ninety (90) days from the issuance of the subdivision public report ("white paper") pursuant to California Business and Professions Code 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.

- (iii) **Right to continue Residency as Tenant.** If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code 66427.5(a).

[Amended 1992, Ord. 2591; Amended 2009, Ord. 3173]

21.06.050 – Parcel or tract maps – Approval by board of supervisors

- a. At its first regular meeting following the filing of the parcel or tract map with the clerk of the board of supervisors, or within ten days after such filing, whichever date is later, the board of supervisors shall consider the map and the offers of dedication. The board of supervisors shall accept, accept subject to improvement, or reject any offer of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this title or by law are not completed before the filing of the map, the director of public works may either enter into an agreement with the subdivider for posting security as provided in this title or, if permitted, in the case of a parcel map, notice the requirement for construction of off-site and on-site improvements by certification on the parcel map. In such case, when the agreement, security, and/or certificates and statements have been approved by the county counsel as to form, and by the director of public works as to sufficiency, the board of supervisors may consider the map.
- b. The board of supervisors shall approve the map if it is determined to be in conformity with the requirements of this title and the Subdivision Map Act. The board of supervisors shall disapprove the map if it is determined to be not in conformity with this title or the Subdivision Map Act, and shall advise the subdivider of its disapproval and the reason or reasons therefor. Within thirty days, the subdivider may file with the county surveyor a map altered to conform to the requirements of the board of supervisors and to the procedures specified under this title.
- c. The clerk of the board of supervisors upon the approval of the parcel or tract map, the receipt of the necessary recording fee, and after the signatures and seals have been affixed, shall certify the board's approval on the map and transmit the map to the county recorder who shall certify and file the same as prescribed by the Subdivision Map Act. No map shall have any force or effect until the same has been filed by the county recorder. No title to any property described in any offer of dedication shall pass until the parcel or tract map has been filed by the county recorder or a resolution of acceptance by the board of supervisors is filed in the office of the county recorder. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2591; Amended 2001, Ord. 2943]

21.06.052 – Waiver of errors

The board of supervisors may approve a parcel or tract map which fails to meet any of the requirements or conditions imposed by this title or by the Subdivision Map Act applicable at the time of approval of the tentative map when the board of supervisors finds that the failure of the

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map is a technical or inadvertent error which, in the determination of the board of supervisors, does not materially affect the validity of the map. [Adopted 1979, Ord. 1986 §2 (part)]

21.06.054 – Parcel and tract maps – Evidence of proper signatures

The subdivider shall present to the county recorder evidence that, at the time of the filing of the parcel or tract map in the office of the county recorder, the parties consenting to such filing are all of the parties having any vested fee interest in the real property being subdivided and are the parties required to sign the certificate described in Section 21.06.020. A subdivision guarantee, guaranteeing in the sum of not less than ten thousand dollars (\$10,000) the name of the parties whose signatures are necessary under Government Code section 66436, updated to the time of filing of the parcel or tract map by the county recorder, shall be sufficient to satisfy this evidentiary requirement. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2591; Amended 1993, Ord. 2602]

21.06.060 – Modification of recorded parcel and tract maps

- a. In addition to the amendments authorized by Government Code section 66469, a recorded parcel map or a recorded tract map may be modified by a certificate of correction or an amending map if the advisory agency makes all of the following findings: [Amended 1993, Ord. 2602]
 - 1. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary; and
 - 2. That the modifications do not impose any additional burden on the present fee owner of the property; and
 - 3. That the modifications do not alter any right, title, or interest in the property reflected on the recorded map; and
 - 4. That the map as modified conforms to the provisions of Government Code section 6647.
- b. The decision of the advisory agency shall be made after holding a noticed public hearing, which shall be confined to a consideration of and action on the proposed modifications. The decision of the advisory agency shall be final unless appealed to the board of supervisors pursuant to Section 21.04.020 of this title.

[Added 1992, Ord. 2581]

21.06.070 – Parcel and tract maps – Subsequent conveyance

The property may be conveyed by reference to parcels shown on the approved parcel or tract map, as filed by the county recorder. [Adopted 1979, Ord. 1986 §2 (part)]

21.06.072 – Time period for rights conferred by vesting parcel or tract map

- a. The rights conferred by a vesting tentative parcel map or a vesting tentative tract map shall last for an initial time period of two years beyond the recording of the parcel map or tract map. Where several tract maps are recorded on various phases of a project covered by a single vesting tentative tract map, the two year initial time period shall begin for each phase when the tract map for that phase is recorded.
- b. The initial two year time period shall be automatically extended by any time used by the planning department for processing a complete application for a grading permit or for design or architectural review, if the time used by the planning department to process the application exceeds thirty days from the date that a complete application is filed. At any time prior to the expiration of the initial two year time period, the divider may apply to the planning director for a one year time extension. The decision of the planning director shall be final unless appealed to the board of supervisors within fifteen (15) days after the date of the decision.
- c. If the divider submits a complete application for a building permit during the periods of time specified in subsection (b), the rights conferred by Government Code sections 66498.1 through 66498.9 shall continue until the expiration of that permit, or any extension of that permit granted by the planning department.

[Added 2001, Ord. 2943]

21.06.080 – Reversion to acreage

- a. The parcel or tract map procedures set forth in this title may be utilized for the purpose of reverting to acreage (i.e., to a single parcel) land previously subdivided. Any tentative map submitted for this purpose shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.
- b. A parcel map is authorized to be filed under the provisions of this title and the Subdivision Map Act for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership as authorized by Government Code section 66499.20¼. [Adopted 1979, Ord. 1986 §2 (part)]

[Amended 1992, Ord. 2591]

21.06.085 – Voluntary merger of contiguous parcels

Two or more contiguous parcels or units of land under common ownership which have been created under provisions of this title or any previous law regulating the division of land or which were not subject to such provisions at the time of their creation may be merged without reverting to acreage pursuant to the provisions of this section.

- a. **Application content.** The content of a voluntary merger application shall be the same as for certificates of compliance and conditional certificates of compliance as set forth in Section 21.02.020 of this title and shall also include the following:
 - 1. **Owners consent.** A certificate prepared according to the standards set forth in Government Code section 66436, signed and acknowledged by all parties having any record title interest in the real property proposed to be merged, consenting to the preparation and recordation of the notice of merger and to the waiver of notice of said merger.
 - 2. **Legal description.** The application shall contain a legal description signed and sealed by a registered civil engineer or licensed land surveyor for each of the resulting parcels proposed by the voluntary merger.
- b. **Processing.** Voluntary merger applications are to be submitted to the planning department and shall be processed as follows:
 - 1. **Review.** Upon receipt of a complete voluntary merger application and all necessary accompanying information, the planning director shall cause a notice of merger to be filed with the county recorder within ninety (90) days. Provided, however, all proceedings shall terminate and no merger occur upon receipt of a written request withdrawing the application by any owner of an interest in the real property to be merged or upon determination by the planning director that the merger will be contrary to the public health, safety and welfare of the county.
- c. **Effect of merger.** The recording of the notice of merger shall constitute a merger of the separate parcels or units of land into one parcel for the purposes of this title by operations of law. Such merger shall have no effect on streets, easements, or any dedications or offers of dedications or any other recorded interest.
- d. **Appeal.** Decisions of the planning director made under the provisions of this sections are final unless appealed by an applicant or any aggrieved person to the board of supervisors within fourteen (14) days after the date of the decision.

CHAPTER 7: ENFORCEMENT

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21.07.010 – Prohibitions

Any sale, lease or financing of property contrary to the provisions of this title or the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable as set forth in Government Code section 664999.31. All other violations of the provisions of this title or the Subdivision Map Act shall be a misdemeanor and any person, firm, corporation or partnership, upon conviction thereof shall be punishable as provided in Title 1, Chapter 1.04 of this code. Nothing contained herein shall be deemed to bar any legal, equitable, or summary remedy to which the County of San Luis Obispo or other local agency or person, firm, corporation or partnership may otherwise be entitled and the County of San Luis Obispo, or other public agency or ushc person, firm, corporation or partnership may file suit in the Superior Court of the County of San Luis Obispo to restrain or enjoin any attempted or proposed division or sale, lease or financing in violation of this title. [Adopted 1979, Ord. 1986 §2 (part); Amended 1992, Ord. 2591]

21.07.020 – Notice of violation

The subdivision review board is delegated the authority to conduct hearings and make decisions concerning notices of intent to record notice of violation under the provisions of Government Code section 664999.36. The decision of the subdivision review board shall be final unless appealed to the board of supervisors within fourteen (14) days after the date of the decision. [Added 1992, Ord. 2591]

21.07.030 – Severability

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this title is for any reason held to be invalid, unconstitutional or unenforceable, such decision shall not affect the validity of the remaining portions of this title. It is hereby declared that this title, and each section, subparagraph, sentence, clause, phrase and word thereof, would have been adopted irrespective of the fact that one or more of such portions of this title be declared invalid, unconstitutional or unenforceable. [Adopted 1979, Ord. 1986 §2 (part)]

21.07.035 – Notice of judicial challenge

At least thirty days prior to filing any judicial action or proceeding to attack, review, set aside, void or annul the decision of the board of supervisors concerning a parcel or tract map, or any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, written notice shall be served upon the board of supervisors detailing the nature of the conduct or action intended to be challenged. This section is not intended to extend or toll in any way the statute of limitations provided in Government Code section 66499.37. [Adopted 1979, Ord. 1986 §2 (part)]

CHAPTER 8: LOCAL COASTAL PLAN

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21.08.010 – Permits issued by the California Coastal Commission

The authority to modify or extend a coastal development permit issued by the coastal commission for subdivision development as defined in this title rests with the California Coastal Commission. [Added 1988, Ord. 2343]

21.08.020 – Special notice and appeal requirement for the coastal zone

Sections 21.08.020 through 21.08.038, inclusive, establish special notice, appeal, and hearing requirements which apply to subdivision development in the coastal zone of the county.

- a. **Subdivision development defined.** For purposes of Sections 21.08.020 through 21.08.038, inclusive, subdivision development means lot line adjustments, tentative parcel maps, tentative tract maps, vesting tentative maps, reversions to acreage, determinations that public policy does not necessitate the filing of a parcel map, modifications of a recorded parcel or tract map, conditional certificates of compliance under Government Code section 66499.35(b), when located in the coastal zone of the county.
- b. **Appeals to the coastal commission.** For appeals to the coastal commission, see Section 23.01.043 of Title 23 of this code.

[Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

21.08.022 – Notice of appealable subdivision developments

Within ten (10) calendar days of accepting an application for an appealable subdivision development or at least seven calendar days prior to the first public hearing on the proposal, the county shall provide notice by first class mail of the pending application for appealable subdivision development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that project or for coastal decisions within the county's jurisdictions, to all property owners and residents within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the coastal commission. The notice shall contain the following information:

- a. A statement that the development is within the coastal zone;
- b. The date of filing of the application and the name of the applicant;
- c. The county file number assigned to the application;
- d. A description of the development and its proposed location;
- e. The date, time, and place at which the application will be heard by the applicable hearing body;
- f. A brief description of the general procedure of county concerning the conduct of hearing and county actions; and
- g. The system for county and coastal commission appeals, including any local fees required if applicable.

[Added 1988, Ord. 2343]

21.08.024 – Public hearing on appealable subdivision developments

At least one public hearing shall be held on each application for an appealable subdivision development, thereby affording any persons the opportunity to appear at the hearing and inform the county of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven calendar days after the mailing of the notice required in Section 21.08.022 of this title. [Added 1988, Ord. 2343]

21.08.026 – Notice of county action when hearing continued

If a decision on a subdivision development is continued by the county to a time which is neither previously stated in the notice provided pursuant to Section 21.08.022, nor announced at the hearing as being continued to a time certain, the county shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 21.08.022 of this title. [Added 1988, Ord. 2343]

21.08.028 – Notice of non-appealable subdivision developments

- a. **Developments which require a public hearing.** Notice of subdivision developments within the coastal zone that require a public hearing pursuant to this title, but which are not appealable pursuant to Public Resources Code Section 30603 shall be given at least ten (10) calendar days before a hearing in the following manner.
1. If the matter is heard by the board of supervisors, notice shall be published in a newspaper of general circulations;
 2. Notice by first class mail to any person who has filed a written request therefore;
 3. Notice by first class mail to property owners within three hundred (300) feet of the site;
 4. Notice by first class mail to residents within one hundred (100) feet of the site;
 5. Notice by first class mail to the coastal commission; and
 6. The notice shall contain a statement that the proposed development is within the coastal zone.

The county may, instead, elect to provide notice in accordance with Section 21.08.022 of this title.

- b. **Developments which do not require a public hearing.** Notice of pending approval of subdivision developments within the coastal zone which are not appealable pursuant to Public Resources Code Section 30603 and which do not require a public hearing shall be provided as follows:
1. **Timing of notice.** The notice required by this subsection shall be provided within ten (10) calendar days of accepting an application for a non-appealable coastal subdivision development permit or at least seven calendar days before the county decision on the application, by first class mail.
 2. **Distribution of notice.** The notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the coastal commission.
 3. **Content of notice.** The notice shall contain the following information:
 - (i) A statement that the development is within the coastal zone;
 - (ii) The date of filing of the application and the name of the applicant;
 - (iii) The county file number assigned to the application;

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- (iv) A description of development and its proposed location;
- (v) The date the application will be acted upon by the county or decision-maker;
- (vi) The general procedure of the county concerning the submission of public comments either in writing or orally prior to the county decision; and
- (vii) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the county decision.

[Added 1988, Ord. 2343]

21.08.030 – Finality of county action

A county decision on an application for subdivision development shall not be deemed final until:

- a. The county decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976; and
- b. When all county rights of appeal have been exhausted as defined in section 13573 of Title 14 of the California Code of Regulations.

[Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

21.08.032 – Final County Action – Notice

- a. **Notice after final local decision.** Within seven calendar days of the county completing its review and meeting the requirements of Section 21.08.030, the planning department shall notify by first class mail the coastal commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the county (or who paid the fee determined by the county fee ordinance to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the county decision to the coastal commission.
- b. **Failure to act – Notice:**
 - 1. **Notification by applicant.** If the county has failed to act on an application within the time limits set forth in Government Code Sections 65950 through 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957.1 shall notify, in writing, the county and the coastal commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

- 2. Notification by County.** When the county determines that the time limits set by Government Code sections 65950 through 65957.1 have expired, the county shall, within seven calendar days of such determination, notify any person entitled to receive notice pursuant to Section 21.08.032(b) that the application has been approved by operation of law pursuant to Government Code sections 65950 through 65957.1 and that the application may be appealed to the coastal commission pursuant to section 13110 et seq. of Title 14 of the California Code of Regulations (This section shall apply equally to a county determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law). [Amended 1992, Ord. 2582]

[Added 1988, Ord. 2343]

21.08.034 – County action – Effective date

The county's final decision on an application for an appealable subdivision development shall become effective after the ten working day appeal period to the coastal commission has expired unless either of the following occur:

- a. An appeal is filed in accordance with section 13111 of Title 14 of the California Code of Regulations; or
- b. The notice of final county action does not meet the requirements of section 13571 of Title 14 of the California Code of Regulations.

[Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

21.08.036 – Exhaustion of county appeals

An appellant shall be deemed to have exhausted county appeals for purposes of section 13111 of Title 14 of the California Code of Regulations and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the board of supervisors as required by county appeal procedures, except that exhaustion of all county appeals shall not be required if any of the following occurs:

- a. An appellant was denied the right of appeal pursuant to section 23.01.042 of Title 23 of this code because county notice and hearing procedures for the development did not comply with the provisions of Article 17, Title 14 of the California Code of Regulations.
- b. An appeal of a county decision is filed by two members of the coastal commission pursuant to Public Resources Code section 30625.

[Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

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21.08.038 – Procedures for open space easements and public access documents

All coastal subdivision development approvals subject to conditions pertaining to public access and open space or conservation easements shall be subject to the requirements of Section 23.04.420g(4) of Title 23 of this code. [Added 1988, Ord. 2343; Amended 1992, Ord. 2582]

CHAPTER 9: PARKLAND DEDICATION AND/OR FEE

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21.09.010 – Parks and recreation facilities

This Section through Section 21.09.060 are enacted pursuant to Section 66477 of the Government Code and collectively known as the “Quimby Ordinance.”

- a. As a condition of the division of land, the divider shall dedicate land and/or pay a fee for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision. This requirement shall apply to all divisions of land except those exempted by Section 66477 of the Government Code.
- b. If the proposed division contains fifty (50) parcels or less, the divider shall not be required to dedicate any land for park and recreational purposes without his consent but shall pay a fee in accordance with Section 21.09.018 of this ordinance. Where a condominium project, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, dedication of land shall be required even though the number of parcels may be less than fifty (50).

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.012 – Relation of land required to population density

Based upon the principles and standards of the county general plan, it is hereby found and determined that the public interest, convenience, health, safety, and welfare require that

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0.00564 acres of land required per dwelling unit for Residential Multiple Family and 0.00741 acres of land per dwelling unit for any other residential or Rural Lands land use category be devoted to neighborhood and community park and recreational purposes, in addition to school lands used cooperatively for recreational purposes. The acres per dwelling unit factor is based on three required parks and recreation acres per 1,000 person in accordance with the county general plan and the average county population density of 1.88 persons per dwelling unit for Residential Multiple Family and 2.47 persons per dwelling unit for any other residential or Rural Lands land use category per the 2000 census. [Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.014 – Land dedication formula

The amount of acreage required to be dedicated by a divider of land in a residential land use category for park and recreational purposes shall be based upon the dwelling units expected to be generated by the proposed division and shall be computed on the basis of 0.00564 acres of land required per dwelling unit for Residential Multiple Family and 0.00741 acres of land required per dwelling unit for any other residential or Rural Lands land use category. [Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.016 – Improvements to land dedicated for park purposes

The dedication of land for park and recreational purposes shall not be deemed to waive any other requirements which may be imposed by the county upon the divider. The divider may, at the time of approval of the tentative map, be required by conditions to said map to provide such public improvements as are deemed necessary by county to develop the park facility. Such improvements may include, but not be limited to, curbs, gutters, drainage facilities, street lighting, stop lights, street signs, matching pavement and street trees.

If the divider provides park and recreational improvements to the dedicated land including, but not limited to, playground equipment, swimming or wading pools, tennis courts, picnic units, or sports facilities, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this ordinance. [Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.018 – Amount of fee in lieu of land dedication

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the projected cost of acquiring, for recreational purposes, the amount of park land which would otherwise be required to be dedicated pursuant to Section 21.09.014. The Board of Supervisors shall from time to time determine the current average cost of acquiring one acre of park land within the county. The fee shall be based on the land component cost as established in the county's Public Facilities Financing Plan. The divider shall pay a fee determined by multiplying such cost by the number of dwelling units expected to be generated by the proposed division by 0.00564 acres of land required per dwelling unit for Residential Multiple Family and 0.00741 acres of land per dwelling unit for any other residential or Rural Lands land use category. The amount of fee required in lieu of land dedication shall be reflected on the fee schedule and paid

when the divider records the parcel or tract map. Where the parkland dedication fees (Quimby) have been paid at the time of recordation of the parcel or tract map, the land portion of the park component of the Public Facility fee (30.7 percent) shall not be collected at the time of the construction permit. [Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.020 – Credit for common open space

Where usable common open space for park and recreational purposes is provided in a proposed division of land and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed 50%, may be given against the requirement of land dedication or payment of fees in lieu thereof if the Review Authority finds that it is in the public interest to do so, and that all of the following standards are met:

- a. That yards, setbacks, open space required by Title 22, Title 23, and Title 19 of this code, including areas credited against minimum lot sizes, shall not be included in computing the amount of such common open space; and,
- b. That the private ownership and maintenance of the open space shall be adequately provided for by deeds and recorded covenants; and
- c. That the use of common open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the existing and future owners of the property within the division of land and which cannot be eliminated without the consent of the county; and,
- d. That the proposed common open space is reasonably adaptable for use for park and recreational purposes as determined by the county; and,
- e. That the open space for which credit is given will meet the needs of the future residents of the subdivision, or, alternatively, that the land and/or facilities offered provide a special recreational benefit to the subdivision not otherwise provided in available park and recreational facilities.

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.022 – Choice and method of dedication of land and/or payment of fees

The procedure for determining whether a divider is to dedicate land, pay a fee, or do both, shall be as follows:

- a. At the time of filing an application for a tentative map, the divider as a part of filing shall indicate whether a dedication of property for park and recreational purposes is proposed, or whether payment of an in-lieu fee is proposed. If dedication of land is proposed, the area proposed shall be designated on the tentative map. If the property is located outside the boundaries of the proposed division, another map shall be submitted to the

Department of Planning and Building showing the location of the property to be dedicated.

- b.** If the divider is requesting credit for common open space pursuant to Section 21.09.020, the request for such credit must be submitted in writing at the time of filing the application, with a copy of such request submitted to the Director of General Services outlining the following:

 - 1.** The acreage and average slope of the open space area being offered for park purposes; and,
 - 2.** A description of on-site recreational amenities being proposed, detailing the location of said facilities within the division of land; and,
 - 3.** The proposed form of ownership and method of maintenance of the open space and facilities
- c.** When land division is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act and of Section 21.09.030. When fees are required, they shall be paid to the County Treasurer prior to recordation of the tract or parcel map or prior to a finding waiving the requirement for a parcel map pursuant to Section 21.02.010(e) and shall be held until such time as the map is recorded, withdrawn by the divider, or the time for recordation expires. If the parcel or tract map is withdrawn or the time for recordation expires, the funds shall be returned without interest to the divider.
- d.** Deeds and recorded covenants for private common open space approved pursuant to Section 21.09.020 must be approved by the Director of Planning and Building and County Counsel prior to approval of the tentative map, and the divider shall make all conveyances of the parcels within the division subject to such deeds and recorded covenants.
- e.** The determination whether to require a dedication of land, the payment of a fee in lieu thereof, or a combination of both, shall be made by the Review Authority upon consideration of the following factors which are not deem exclusive:

 - 1.** The county general plan; and,
 - 2.** Site development factors such as the topography, environmental suitability, access and location of the land in the subdivision available for dedication; the size and shape of the subdivision and the land available for dedication; the location of existing or proposed park sites and trailways; and,
 - 3.** The desirability of developing the land proposed for dedication for park and recreational purposes.

Except that for division of land of fifty (50) parcels or less, the provisions of Section 21.09.010b shall apply. In the even that a dedication of land is required, the location of

the dedication shall be shown on the tentative map. In the event that fees are to be required, the amount shall be determined according to Section 21.09.018.

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.030 – Conveyance of land

Real property conveyed under the provisions of this ordinance shall be conveyed by grant deed in fee simple absolute to the county by the divider free and clear of all encumbrances except those which, in county's opinion, will not interfere with use of the property for park and recreational purposes and which the county agrees to accept. Required deeds shall be deposited with the county prior to recordation of the parcel or tract map. The deeds shall be held by the county until such time as the parcel or tract map is recorded, withdrawn by the divider, or the time for recordation expires. The divider shall provide all fees and instruments required to convey the land plus title insurance in favor of the county in an amount equal to the value of the property being conveyed.

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.040 – Use of fees and dedicated land

The director of general services shall develop a schedule specifying how, where, and when the county will use the land or fees or both to develop park or recreational facilities to serve the residents of the subdivision. The fees that are collected shall be placed into five zones reflecting geographic areas of common interest for parks and recreation needs based upon the following Planning Areas:

- Area 1: Adelaida, El Pomar-Estrella, Nacimiento, and Salinas River Planning Areas
- Area 2: Estero and North Coast Planning Areas
- Area 3: San Luis Bay (coastal and inland) and San Luis Obispo Planning Areas
- Area 4: South County (coastal and inland) Planning Area
- Area 5: Las Pilitas, Shandon-Carrizo, Huasna-Lopez; and Los Padres Planning Areas

The fees that are collected shall be expended in the geographic area where the fees have been collected as established above. All fees collected under this ordinance shall be committed within five years of payment of said fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.050 – Local agencies

In cases where the county determines that park and recreational facilities to serve the subdivision should be or are provided by a local agency other than the county, the county may

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require that land be dedicated or fees be paid to such other local agency if the local agency agrees to accept the land or fees. In such an event, the amount or location of land to be dedicated or fees to be paid shall be jointly determined by the county and such local agency in accordance with the terms and conditions of this ordinance and such local agency shall develop the land or use the fees in the manner provided herein.

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]

21.09.060 – Limitation on use of land and fees

The land and fees received under the provisions of this ordinance shall be used only for the purpose of providing park and recreational facilities to serve the subdivision in accordance with the principles and standards contained in California law, the county general plan, and the administrative guidelines developed by the Department of General Services.

[Added 1993, Ord. 2636; Amended 2006, Ord. 3086]